

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN LABORERS HEALTH FUND,
WISCONSIN LABORERS APPRENTICESHIP &
TRAINING FUND, BUILDING & PUBLIC
WORKS LABORERS VACATION FUND, JOHN
J. SCHMITT, WISCONSIN LABORERS-
EMPLOYERS COOPERATION AND
EDUCATION TRUST FUND, and WISCONSIN
LABORERS DISTRICT COUNCIL,

Plaintiffs,

v.

CEDARBURG LANDSCAPING CO., INC.,

Defendant.

ORDER

14-cv-729-jdp

In October 2014, plaintiffs filed a complaint against defendant Cedarburg Landscaping Co., Inc., alleging that Cedarburg Landscaping failed to pay union dues or contribute to plaintiff employee benefit plans as required under the terms of the collective bargaining agreement between Cedarburg Landscaping and the Wisconsin Laborers District Council, in violation of the Employee Retirement Income Security Act of 1974 (ERISA) and the Labor Management Relations Act of 1947 (LMRA). Dkt. 1. The court stayed the proceedings in November 2015 in light of a criminal investigation of Cedarburg Landscaping, then lifted the stay and issued a new scheduling order in May 2016. Dkt. 14. Trial is scheduled for June 5, 2017.

Now, Cedarburg Landscaping moves for another stay. Dkt. 22. Its owner has been indicted on criminal charges concerning unpaid contributions to employee benefit plans, and a jury trial on those charges is scheduled to begin on May 15. Plaintiffs do not oppose a

temporary stay of this case pending the completion of the criminal trial. The court will grant Cedarburg Landscaping's motion and strike the current schedule. The parties must promptly update the court on the resolution of the criminal action. The court will conduct a status conference to reset the schedule after the criminal trial is completed.

ORDER

IT IS ORDERED that:

1. Plaintiffs' unopposed motion to temporarily stay civil proceedings, Dkt. 22, is GRANTED.
2. The existing schedule is stricken.
3. The parties must promptly update the court on the resolution of the criminal action.
4. The court will hold a telephonic status conference with the parties on Thursday, May 25, 2017, at 1:00 p.m. Plaintiffs should initiate the conference call to chambers.

Entered April 19, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge